

## § 51.2340 Classification of defects.

Defects	Injury	Damage	Serious damage
Bruises .....	When any slight indentation of the fruit or discoloration of the flesh extends more than $\frac{1}{16}$ inch (1.6 mm) in depth.	When surface of fruit is indented and discoloration of the flesh extends deeper than $\frac{1}{8}$ inch (3.2 mm), or causing slight discoloration exceeding the area of a circle $\frac{3}{8}$ inch (9.5 mm) in diameter, or lesser bruises aggregating an area of a circle $\frac{3}{8}$ inch (9.5 mm) in diameter which materially detract from the appearance, edible or shipping quality.	When surface of the fruit is indented and discoloration of the flesh extends deeper than $\frac{1}{4}$ inch (6.4 mm), or causing discoloration exceeding the area of a circle $\frac{1}{2}$ inch (12.7 mm) in diameter, or lesser bruises which seriously detract from the appearance, edible or shipping quality.
Leaf or Limbrubs.	When not smooth, or not light colored, or aggregating more than the area of a circle $\frac{3}{8}$ inch (9.5 mm) in diameter.	When not smooth, or not light colored, or aggregating more than the area of a circle $\frac{1}{2}$ inch (12.7 mm) in diameter.	When smooth and light colored and aggregating more than the area of a circle 1- $\frac{1}{2}$ inches (38.1 mm) in diameter, or dark or slightly rough and barklike scars aggregating more than the area of a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.
Discoloration ....	When color and pattern causes a distinct noticeable appearance (except for water staining) affecting more than 5% of surface.	When color and pattern causes an unattractive appearance (except for water staining) affecting more than 10% of surface.	When color and pattern causes a distinct unattractive appearance (except for water staining) affecting more than 25% of surface.
Hail Injury .....	When unhealed or deep, or aggregating more than the area of a circle $\frac{1}{16}$ inch (1.6 mm) in diameter.	When unhealed or deep, or aggregating more than the area of a circle $\frac{1}{4}$ inch (6.4 mm) in diameter.	When unhealed or deep, or aggregating more than the area of a circle $\frac{1}{2}$ inch (12.7 mm) in diameter.
Growth Cracks	When not healed, or more than one in number, or more than $\frac{1}{8}$ inch (3.2 mm) in length or depth.	When not healed, or more than one in number, or more than $\frac{1}{8}$ inch (3.2 mm) in depth, or more than $\frac{3}{8}$ inch (9.5 mm) in length if within the stem cavity, or more than $\frac{1}{4}$ inch (6.4 mm) in length if outside the stem cavity.	When not healed and more than $\frac{1}{8}$ inch (3.2 mm) in length or depth, or healed and more than $\frac{3}{8}$ inch (4.8 mm) in depth, or healed and aggregating more than $\frac{3}{8}$ inch (15.9 mm) in length if within the stem cavity, or healed and aggregating more than $\frac{1}{2}$ inch (12.7 mm) in length if outside the stem cavity.
Scab .....	When cracked, or the aggregate area exceeds that of a circle $\frac{1}{8}$ inch (3.2 mm) in diameter.	When cracked, or the aggregate area exceeds that of a circle $\frac{1}{4}$ inch (6.4 mm) in diameter.	When the aggregate area exceeds that of a circle $\frac{1}{2}$ inch (12.7 mm) in diameter.
Scars .....	When not smooth, or surface of the fruit is depressed more than $\frac{1}{32}$ inch (.8 mm), or not light in color, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type: (1) Dark or rough scars when the area exceeds that of a circle $\frac{1}{8}$ inch (3.2 mm) in diameter; (2) Fairly light colored, fairly smooth scars when the area exceeds that of a circle $\frac{1}{4}$ inch (6.4 mm) in diameter; (3) Light colored, smooth scars when the area exceeds that of a circle $\frac{1}{2}$ inch (12.7 mm) in diameter.	When not smooth, or surface of the fruit is depressed more than $\frac{1}{16}$ inch (1.6 mm), or when exceeding any of the following aggregate areas, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type: (1) Dark or rough scars when the area exceeds that of a circle $\frac{1}{4}$ inch (6.4 mm) in diameter; (2) Fairly light colored, fairly smooth scars when the area exceeds that of a circle $\frac{1}{2}$ inch (12.7 mm) in diameter; (3) Light colored, smooth scars when the area exceeds that of a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	When the surface of the fruit is depressed more than $\frac{3}{16}$ inch (4.8 mm), or when exceeding any of the following aggregate areas, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type: (1) Dark or rough scars when the area exceeds that of a circle $\frac{3}{4}$ inch (19.1 mm) in diameter; (2) Not dark or rough when the area exceeds one-fourth of the fruit surface.
Heat, Sprayburn and Sunburn.	When the normal color of the skin or flesh is more than slightly changed, or any indentation is present.	When the skin is blistered, cracked or decidedly flattened, or the normal color of the skin or flesh has materially changed, or more than one indentation, or indentation exceeds $\frac{3}{16}$ inch (4.8 mm) in diameter.	When the skin is blistered, cracked or decidedly flattened, or causing any dark discoloration of the flesh, or more than two indentations are present, or the aggregate area of indentations exceeds that of a circle $\frac{3}{8}$ inch (9.5 mm) in diameter, or when causing a noticeable brownish or darker discoloration over more than one-fourth of surface.

Defects	Injury	Damage	Serious damage
Scale or Scale Marks.	When more than one large scale or scale mark or more than three scales or scale marks of any size are present.	When the aggregate area exceeds that of a circle $\frac{1}{4}$ inch (6.4 mm) in diameter.	When the aggregate area exceeds that of a circle $\frac{3}{8}$ inch (9.5 mm) in diameter.
Insects .....	When feeding injury is evident on fruit or any insect is present in fruit.	When feeding injury materially detracts from appearance or any insect is present in fruit.	When feeding injury seriously detracts from appearance or any insect is present in fruit.

Classification of defects guidelines are based on fruit 2 inches or smaller in diameter. Accordingly, *larger fruit* are permitted to have defects relative to their size.

#### § 51.2341 Sample size for grade determination.

For fruit place-packed in tray pack containers, the sample shall consist of the contents of the individual container. For fruit jumble-packed in volume filled containers, the sample shall consist of at least 50 fruit. When individual containers contain at least 50 fruit, each individual sample is drawn from one container. When individual containers contain less than 50 fruit, a sufficient number of adjoining containers are opened to form a 50 fruit sample.

[50 FR 40186, Oct. 2, 1985; 50 FR 40961, Oct. 8, 1985; 51 FR 4293, Feb. 4, 1986]

#### Subpart—United States Standards for Grades of Pistachio Nuts in the Shell

SOURCE: 51 FR 27814, Aug. 4, 1986, unless otherwise noted.

#### § 51.2540 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to pistachio nuts in the shell which may be in a natural, dyed, raw, roasted, or salted state; or in any combination thereof. However, nuts of obviously dissimilar forms shall not be commingled.

#### § 51.2541 U.S. Fancy, U.S. Extra No. 1, U.S. No. 1 And U.S. Select Grades.

“U.S. Fancy,” “U.S. Extra No. 1,” “U.S. No. 1,” and “U.S. Select” consists of pistachio nuts in the shell which meet the following requirements:

- (a) Basic requirements:
  - (1) Free from:
    - (i) Foreign material;

- (ii) Loose kernels;
  - (iii) Shell pieces;
  - (iv) Particles and dust; and,
  - (v) Blanks.
- (b) Shells:
  - (1) Free from:
    - (i) Non-split shells; and,
    - (ii) Shells not split on suture.
  - (2) Free from damage by:
    - (i) Adhering hull material;
    - (ii) Light stained;
    - (iii) Dark stained; and,
    - (iv) Other External (shell) defects.
- (c) Kernels:
  - (1) Well dried, or, very well dried when specified in connection with the grade.
  - (2) Free from damage by:
    - (i) Immature kernels;
    - (ii) Kernel spotting; and,
    - (iii) Other Internal (kernel) defects.
  - (3) Free from serious damage by:
    - (i) Minor insect or vertebrate injury;
    - (ii) Insect damage;
    - (iii) Mold;
    - (iv) Rancidity;
    - (v) Decay; and,
    - (vi) Other Internal (kernel) defects.
  - (d) The nuts are of a size not less than  $\frac{3}{64}$  inch in diameter as measured by a round hole screen.
  - (e) For tolerances, see § 51.2544.

[68 FR 50682, Aug. 22, 2003]

#### § 51.2542 U.S. Artificially Opened.

“U.S. Artificially Opened” consists of artificially opened pistachio nuts in the shell which meet the following requirements:

- (a) Basic Requirements:
  - (1) Free from:
    - (i) Foreign material;
    - (ii) Loose kernels;
    - (iii) Shell pieces;
    - (iv) Particles and dust; and,
    - (v) Blanks.
  - (b) Shells:
    - (1) Free from: